

UNITED STATES DISTRICT COURT

for

EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Christopher Nyjale-Devlon Simmons

Docket No. 5:06-CR-140-1F

Petition for Action on Probation

COMES NOW Mindy L. Threlkeld, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Christopher Nyjale-Devlon Simmons, who, upon an earlier plea of guilty to 18 U.S.C. §371, Conspiracy to Possess and Attempt to Possess Falsely Made, Forged and Counterfeited Obligations of the U.S. - Federal Reserve Notes, and 18 U.S.C. §472, Possess and Conceal Falsely Made, Forged, Counterfeited and Altered Obligations of U.S. - approximately \$320 Federal Reserve Notes, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on December 15, 2006, to a 60-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
3. The defendant shall participate in such vocational training program as may be directed by the probation office.

On July 9, 2008, the defendant's conditions were modified to include two days incarceration after committing the offense of Driving While License Revoked on April 24, 2008, in Cumberland County, North Carolina.

On January 14, 2009, the defendant's conditions were modified to include seven days of incarceration after committing the offenses of Driving While License Revoked and Failure to Stop at a Stop Sign on August 17, 2008, and Driving While License Revoked on November 27, 2008, in Cumberland County, North Carolina.

On February 2, 2011, a violation report was submitted to the court reporting that the defendant had been charged with Driving While License Revoked and Hit/Run Failure to Stop Property Damage on June 22, 2010, in Cumberland County, North Carolina. The defendant failed to appear on August 12, 2010, and the charges were dismissed with leave. The defendant was questioned about the above listed charges and he denied having any involvement. The defendant was instructed to resolve these charges in state court and it was recommended that the court be notified if a conviction was entered. To date, the charges still remain unresolved and the defendant states he has just recently hired an attorney to resolve these charges in state court.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On September 1, 2011, the defendant committed the offenses of Driving While License Revoked, Expired Registration Card/Tag, Expired/No Inspection, and No Registration Card, in Cumberland County, North Carolina. Recently, the defendant has graduated from barber school and has passed the state barber exam. He is currently employed full time, and incarceration would interfere with his job. It is recommended that the defendant complete 24 hours of community service for these violations.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Mindy L. Threlkeld
Mindy L. Threlkeld
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: September 7, 2011

ORDER OF COURT

Considered and ordered this 7th day of September, 2011, and ordered filed and made a part of the records in the above case.


James C. Fox
Senior U.S. District Judge